

PUBLIC MATTER

STATE BAR OF CALIFORNIA
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FILED

DEC 20 2018

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:

ERIKA LYNN ROMAN,
No. 216323,

A Member of the State Bar

) Case Nos. 16-O-13214, 17-O-06538,
) and 17-O-06926
) NOTICE OF DISCIPLINARY CHARGES
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NOTICE - FAILURE TO RESPOND!

**IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE
WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT
THE STATE BAR COURT TRIAL:**

- (1) YOUR DEFAULT WILL BE ENTERED;**
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
WILL NOT BE PERMITTED TO PRACTICE LAW;**
- (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
AND THE DEFAULT IS SET ASIDE, AND;**
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.
SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE
OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN
ORDER RECOMMENDING YOUR DISBARMENT WITHOUT
FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. Erika Lynn Roman ("Respondent") was admitted to the practice of law in the
4 State of California on December 4, 2001, was a member at all times pertinent to these charges,
5 and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 16-O-13214
8 Rules of Professional Conduct, former rule 3-700(A)(2)
[Improper Withdrawal from Employment]

9 2. Respondent failed, upon termination of employment, to take reasonable steps to
10 avoid reasonably foreseeable prejudice to Respondent's client, Erika Luna, by constructively
11 terminating Respondent's employment January 12, 2016, by failing to take any action on the
12 client's behalf after January 12, 2016, and thereafter failing to inform the client that Respondent
13 was withdrawing from employment, in willful violation of Rules of Professional Conduct,
14 former rule 3-700(A)(2).

15 COUNT TWO

16 Case No. 16-O-13214
17 Business and Professions Code, section 6068(e)
[Failure to Maintain Confidentiality]

18 3. On or about February 5, 2016, Respondent conveyed to USCIS confidential
19 information regarding her client, Erika Luna, learned during the attorney client relationship,
20 which concerned her date of entry to the country which was misrepresented within her
21 applications pending for late registration for temporary protected status and employment
22 authorization, rendering the client vulnerable to additional action by USCIS including
23 deportation, in willful violation of Business and Professions Code, section 6068(e).

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1 COUNT THREE

2 Case No. 16-O-13214
3 Business and Professions Code, section 6068(m)
4 [Failure to Inform Client of Significant Development]

5 4. Respondent failed to keep Respondent's client, Erika Luna, reasonably informed
6 of significant developments in a matter in which Respondent had agreed to provide legal
7 services, in willful violation of Business and Professions Code, section 6068(m), by failing to
8 inform the client of the following: that respondent had formally withdrawn as her attorney of
9 record in pending USCIS matters.

10 COUNT FOUR

11 Case No. 16-O-13214
12 Business and Professions Code, section 6106
13 [Moral Turpitude – Witness Tampering]

14 5. On or about September 11, 2015, Respondent encouraged and induced her client,
15 Erika Luna, to lie under oath for respondent's benefit in her pending divorce proceeding,
16 *Brownstein v. Roman*, Case No. BD 623082, filed in Los Angeles Superior Court. Respondent
17 thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation
18 of Business and Professions Code, section 6106.

19 COUNT FIVE

20 Case No. 17-O-06538
21 Rules of Professional Conduct, former rule 3-110(A)
22 [Failure to Perform with Competence]

23 6. On or about March 3, 2015, Oren Aviel employed Respondent to perform legal
24 services, namely to file a motion to reopen a removal order, which Respondent intentionally,
25 recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of
26 Professional Conduct, former rule 3-110(A), by failing to file the motion to reopen in a timely
27 manner no later than September 2015.

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1 COUNT SIX

2 Case No.17-O-06538
3 Rules of Professional Conduct, former rule 4-100(B)(3)
4 [Failure to Render Accounts of Client Funds]

5 7. Between on or about March 3, 2015 and July 22, 2016, Respondent received from
6 Respondent's client, Oren Aviel, the sum of \$2,800 as advanced fees for legal services to be
7 performed. Respondent thereafter failed to render an appropriate accounting to the client
8 regarding those funds following the client's new attorney's request for such accounting on or
9 about July 18, 2017, in willful violation of the Rules of Professional Conduct, former rule
10 4-100(B)(3).

11 COUNT SEVEN

12 Case No.17-O-06538
13 Business and Professions Code, section 6068(m)
14 [Failure to Respond to Client Inquiries]

15 8. Respondent failed to respond promptly to multiple phone inquiries and personal
16 visits to her offices seeking reasonable status inquiries as to the status of the motion to reopen
17 made by Respondent's client, Oren Aviel, between March 3, 2015 and April 27, 2017, that
18 Respondent received in a matter in which Respondent had agreed to provide legal services, in
19 willful violation of Business and Professions Code, section 6068(m).

20 COUNT EIGHT

21 Case No.17-O-06926
22 Rules of Professional Conduct, former rule 3-110(A)
23 [Failure to Perform with Competence]

24 9. On or about December 9, 2014, Guillermo Andrade employed Respondent to
25 perform legal services, namely to file a motion to reduce a felony conviction, which Respondent
26 intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of
27 Rules of Professional Conduct, former rule 3-110(A), by failing to file the motion to reduce the
28 felony conviction in a timely manner.

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1 COUNT NINE

2 Case No.17-O-06926
3 Rules of Professional Conduct, former rule 4-100(B)(3)
4 [Failure to Render Accounts of Client Funds]

5 10. Between on or about December 9, 2014 and March 27, 2015, Respondent
6 received from Respondent's client, Guillermo Andrade and his wife, Hortencia Lopez, the sum
7 of \$6,000 as advanced fees for legal services to be performed. Respondent thereafter failed to
8 render an appropriate accounting to the client regarding those funds following the client's request
9 for such accounting on or about October 16, 2015, in willful violation of the Rules of
10 Professional Conduct, former rule 4-100(B)(3).

11 COUNT TEN

12 Case No.17-O-06926
13 Business and Professions Code, section 6106
14 [Moral Turpitude - Misrepresentation]

15 11. On or about October 16, 2015, respondent stated in writing to Hortencia Lopez,
16 client Guillermo Andrade's wife, that she had filed a motion to reduce a felony conviction when
17 respondent knew that statement was false and that she had not filed the motion. Respondent
18 thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation
19 of Business and Professions Code, section 6106.

20 12. A violation of section 6106 may result from intentional conduct or grossly negligent
21 conduct. Respondent is charged with committing intentional misrepresentation. However,
22 should the evidence at trial demonstrate that respondent committed misrepresentation as a result
23 of gross negligence, respondent must still be found culpable of violating section 6106 because
24 misrepresentation through gross negligence is a lesser included offense of intentional
25 misrepresentation.

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COUNT ELEVEN

Case No. 17-O-06926
Business and Professions Code, section 6068(m)
[Failure to Inform Client of Significant Development]

13. Respondent failed to keep Respondent's client, Guillermo Andrade, reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m), by failing to inform the client of the following: that respondent had not filed the motion to reduce a felony conviction.

NOTICE - INACTIVE ENROLLMENT!

YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO

THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE RECOMMENDED BY THE COURT.

NOTICE - COST ASSESSMENT!

IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL

DATED: December 19, 2018

By: Hugh G. Radigan
Hugh G. Radigan
Senior Trial Counsel

DECLARATION OF SERVICE

by
U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): **16-O-13214, 17-O-06538, 17-O-06926**

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017-2515, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGESE

☐

By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))

- in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles.

☒

By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))

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By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))

- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ("UPS").

☐

By Fax Transmission: (CCP §§ 1013(e) and 1013(f))

Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.

☐

By Electronic Service: (CCP § 1010.6)

Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐

(for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: *(see below)*

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(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,
Article No.: 9414 7266 9904 2111 0147 59 at Los Angeles, addressed to: *(see below)*

☐

(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS,
Tracking No.: addressed to: *(see below)*

Person Served	Business-Residential Address	Fax Number	COURTESY COPY VIA REGULAR 1 ST CLASS MAIL
Erika Lynn Roman	Law Offices of Erika Roman 14654 Victory Blvd., #110 Van Nuys, CA 91411	Electronic Address	

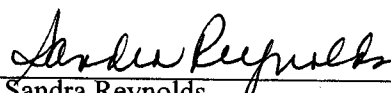
I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ("UPS"). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: December 20, 2018

SIGNED:


Sandra Reynolds
Declarant